

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:) CASE NO: 12-07558-8-DMW
DARRELL LEE BYRD) Chapter 13
VICKY SUE BYRD)
Debtors

MOTION FOR MODIFICATION OF CHAPTER 13 PLAN

NOW COME, the above referenced debtors, DARRELL LEE BYRD and VICKY SUE BYRD, by and through their attorney of record, John P. Simpson, and request a Modification of their Chapter 13 Plan as follows:

1. That the Chapter 13 Trustee, Richard M. Stearns, has filed a Notice of Requirement to Modify Chapter 13 Plan. A copy of said Notice is attached hereto.
2. That the debtors consent to the modification which is necessary for the confirmation of the Chapter 13 Plan. The proposed modification is \$310.00 for 30 months, then \$415.00 for 27 months.
3. That the attorney for the debtor, John P. Simpson, be awarded a non-base attorney fee of \$450.00 and reimbursed for cost advanced (postage and copies) in the amount of \$78.97.

WHEREFORE, the debtors pray the Court:

1. Allow the modification of \$310.00 for 30 months then \$415.00 for 27 months.
2. That the attorney for the debtor, John P. Simpson, be awarded a non-base attorney fee in the amount of \$450.00 for this proceeding and reimbursed for cost advanced in the amount of \$75.21 (postage and copies).

This the 8th day of June, 2015.

ERWIN & SIMPSON, P.L.L.C.

BY: s/ John P. Simpson
JOHN P. SIMPSON
Attorney for Debtor(s)
825 Gum Branch Road, Suite 115
Jacksonville, NC 28540
Telephone: (910) 347-7755
N.C. State Bar # 4006

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA

IN THE MATTER OF:
DARRELL LEE and VICKY SUE BYRD

CASE NO: 12-07558-8-DMW

NOTICE OF REQUIREMENT TO MODIFY CHAPTER 13 PLAN

NOTICE is hereby given by the Trustee that it is necessary for the Debtor(s) to file a modification to their Chapter 13 Plan for the following reason: **THIS PLAN REQUIRES A MODIFICATION DUE TO THE NOTH CAROLINA DEPARTMENT OF REVENUE FILING A CLAIM HIGHER THAN SCHEDULED. PAYMENTS NEED TO BE INCREASED TO \$415.00 BEGINNING IN MAY 2015 FOR THE REMAINING 27 MONTHS.**

(NEW PLAN: \$310.00 FOR 30 MONTHS, THEN \$415.00 FOR 27 MONTHS.)

If a modification is not filed or some other action taken to resolve this matter within twenty (20) days of the date of this notice, the Trustee may move for a dismissal of the case.

DATED: April 21, 2015

/s/ Richard M. Stearns
Richard M. Stearns, Trustee

CERTIFICATE OF SERVICE

I, Richard M. Stearns, of 1015 Conference Drive, Greenville NC 27858 do certify:

That I am and was at all times hereinafter referred to more than eighteen (18) years of age: and

That I have this day served a copy of the foregoing NOTICE OF REQUIREMENT TO MODIFY CHAPTER 13 PLAN by deposition a copy of same in a postage paid envelope with the United States Postal Service addressed to:

DARRELL LEE BYRD
VICKY SUE BYRD
106 BRIAR HOLLOW DRIVE
JACKSONVILLE, NC 28540

JOHN P. SIMPSON
JACKSONVILLE, NC 28540
825 GUM BRANCH RD, STE 115

DATED: April 21, 2015

/s/ Richard M. Stearns
Richard M. Stearns, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:)
DARRELL LEE BYRD) CASE # 12-07558-8-DMW
VICKY SUE BYRD) Chapter 13
Debtors

NOTICE OF MOTION

TO: TRUSTEE AND OTHER PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN of the Motion for Modification of Chapter 13 Plancurrent filed simultaneously herewith by the debtor in the above captioned case; and

FURTHER NOTICE IS HEREBY GIVEN that if you fail to respond or otherwise plead or request a hearing in writing within twenty-one (21) days from the date of this notice, the relief requested in the motion may be granted without further hearing or notice; and,

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for a hearing is filed by the debtors, trustee, or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly.

DATED: June 9 , 2015

ERWIN & SIMPSON, P.L.L.C.

BY: s/ John P. Simpson
JOHN P. SIMPSON
Attorney for Debtor
825 Gum Branch Road, Ste 115
Jacksonville, NC 28540
Telephone: (910) 347-7755
Facsimile: (910) 346-5883
N.C. State Bar # 4006

CERTIFICATE OF SERVICE

I, JOHN P. SIMPSON, of ERWIN & SIMPSON, P.L.L.C., certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on June 9th, 2015, I served copies of the foregoing Motion, by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service, postage prepaid, in an envelope addressed as follows:

All parties as listed on the attached mailing matrix

That on June 8th, 2015, I filed the foregoing Motion through Case Management/Electronic Case Filing and service of said document will be obtained electronically, via overnight delivery, to the following party at his e-mail address which he has provided to the court:

Mr. Richard M. Stearns
Chapter 13 Trustee
1015 Conference Drive
Greenville, NC 27858

I certify under penalty of perjury that the foregoing is true and correct.

Executed on June 8, 2015.

ERWIN & SIMPSON, P.L.L.C.

BY: s/ John P. Simpson
JOHN P. SIMPSON
Attorney for Debtor(s)
825 Gum Branch Road, Suite 115
Jacksonville, NC 28540
Telephone: (910) 347-7755
Facsimile: (910) 346-5883
N.C. State Bar # 4006

Label Matrix for local noticing

0417-8

Case 12-07558-8-DMW

Eastern District of North Carolina

Wilson

Wed Jun 3 15:32:14 EDT 2015

Alliance One Rec Mgmt

P.O. Box 3111

Southeastern, PA 19398-3111

Ally Asset Recovery Center

P.O. Box 78369

Phoenix, AZ 85062-8369

Ally Financial Inc.

P O Box 130424

Roseville, MN 55113-0004

Ally/GMAC

P.O. Box 380902

Minneapolis, MN 55438-0902

American InfoSource LP as agent for

Midland Funding LLC

PO Box 268941

Oklahoma City, OK 73126-8941

(p)BB AND T

PO BOX 1847

WILSON NC 27894-1847

BB&T

P.O. Box 580048

Charlotte, NC 28258-0048

(p)BANKRUPTCY ADMINISTRATOR EDNC

434 FAYETTEVILLE STREET

SUITE 640

RALEIGH NC 27601-1888

Belk

Attn: Bankruptcy Dept

P.O. Box 103104

Roswell, GA 30076-9104

Belk/GECRB

P.O. Box 530940

Atlanta, GA 30353-0940

Brock & Scott, PLLC

Attorneys at Law

5431 Oleander Drive, Ste 200

Wilmington, NC 28403-5857

Darrell Lee Byrd

106 Briar Hollow Drive

Jacksonville, NC 28540-8827

Vicky Sue Byrd

106 Briar Hollow Drive

Jacksonville, NC 28540-8827

CHESWOLD (OPHRYS), LLC

C O WEINSTEIN AND RILEY, PS

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

Capital One

Attn: Bankruptcy Department

P.O. Box 30285

Salt Lake City, UT 84130-0285

Capital One Bank

P.O. Box 71083

Charlotte, NC 28272-1083

Carolina Psychological Health

1703 Country Club Road

Suite 204

Jacksonville, NC 28546-6098

Cato

Cedar Hill National Bank

P.O. Box 37902

Charlotte, NC 28237-7902

Cato Credit

P.O. Box 34216

Charlotte, NC 28234-4216

Chase

P.O. Box 78420

Phoenix, AZ 85062-8420

Coastal Carolina Foot & Ankle

612A McCarthy Blvd.

New Bern, NC 28562-5231

Coastal Foot Center

3221 Henderson Drive

Jacksonville, NC 28546-5251

Sean Michael Corcoran

Brock and Scott, PLLC

5121 Parkway Plaza Blvd., Suite 300

Charlotte, NC 28217-1965

Credit Financial Services

Collection Serv Div

P.O. Box 451

Durham, NC 27702-0451

Credit Financial Services, Inc

3800 Guess Road

Durham, NC 27705-1506

Dr. M.A. Issa

224 Memorial Drive

Suite A

Jacksonville, NC 28546-6332

Eastern Carolina Oral & Maxillofacial Su

46 Office Park Drive

Winterville, NC 28590-1489

Farm Bureau - Duplin County Office

P.O. Box 1259

Beulaville, NC 28518-1259

First Point Collection Res

P.O. Box 26140

Greensboro, NC 27402-6140

First Point Collections Res
P.O. Box 26140
Greensboro, NC 27402-6140

First Tennessee Bank National Association
P.O. Box 1469
Knoxville, TN 37901-1469

(p) INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Neil D. Jonas
Rogers Townsend & Thomas, PC
2550 W. Tyvola Road, Ste. 520
Charlotte, NC 28217-4551

Juniper Card Services/Barclay
P.O. Box 13337
Philadelphia, PA 19101-3337

Leding Edge Recovery Sol
5440 N. Cumberland Ave
Suite 300
Chicago, IL 60656-1486

Marine Federal Credit Union
4180 Western Blvd.
Jacksonville, NC 28546-6740

Marine Federal Credit Union
Attn: Bankruptcy Department
P.O. Box 1336
Jacksonville, NC 28541-1336

Marine Federal Credit Union
P.O. Box 31279
Tampa, FL 33631-3279

Mercantile Adjustment Bureau
P.O. Box 9016
Williamsville, NY 14231-9016

Modern Exterminating
627 College Street
Jacksonville, NC 28540-5394

North Carolina Department of Revenue
Bankruptcy Unit
P. O. Box 1168
Raleigh, NC 27602-1168

North Carolina Inpatient Med Assoc
P.O. Box 52007
Atlanta, GA 30355-0007

Northland Group, Inc.
P.O. Box 390846
Minneapolis, MN 55439-0846

Northstar Location Serv
Attn: Financial Service Dept
4285 Genesee Street
Cheektowaga, NY 14225-1943

Online Collections
P.O. Box 1489
Winterville, NC 28590-1489

Onslow County Clerk of Court
625 Court Street
Jacksonville, NC 28540-4732

Onslow Memorial Hospital
P.O. Box 75107
Charlotte, NC 28275-0107

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Seacoastt Cardiology Consultants
29 Office Park Drive
Jacksonville, NC 28546-3219

Sessoms & Rogers, PA
Attorneys at Law
P.O. Box 52508
Durham, NC 27717-2508

John P. Simpson
Erwin & Simpson, PLLC
825 Gum Branch Road, Suite 115
Jacksonville, NC 28540-6268

Richard M Stearns
1015 Conference Drive
Greenville, NC 27858-5969

Straighline Med-Med Care NC
5245 South College Road
Wilmington, NC 28412-2209

Straightline Medical
8115 Market Street
Suite 300
Wilmington, NC 28411-8434

Matthew Underwood
Brock and Scott, PLLC
5121 Parkway Plaza Blvd.
Charlotte, NC 28217-1965

United Recovery Systems
P.O. Box 722929
Houston, TX 77272-2929

WFNNB - Goody's Family Clothing
P.O. Box 659704
San Antonio, TX 78265-9704

Womens Healthcare Assoc.
245 Memorial Drive
Jacksonville, NC 28546-6333

World Financial Network Bank
P.O. Box 182125
Columbus, OH 43218-2125

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BB&T
Mr. Jack Hayes
P.O. Box 1847
Wilson, NC 27894-1847

Bankruptcy Administrator
1760-B Parkwood Blvd.
Wilson, NC 27893

Internal Revenue Service
Insolvency Support Services
320 Federal Place, Room 335
Greensboro, NC 27401

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Christiana Trust, A Division of Wilmington

(u)First Tennessee Bank

(u)JPMorgan Chase Bank, N.A.

End of Label Matrix	
Mailable recipients	59
Bypassed recipients	3
Total	62

American InfoSource Midland Funding LLC P.O. Box 268941 Oklahoma City, OK 73126-8941	BB&T Mr. Jack Hayes P.O. Box 1847 Wilson, NC 27894-1847	Marine Federal Credit Union Attn: Bankruptcy Department P.O. Box 1336 Jacksonville, NC 28541-1336
Ally Financial Inc. P.O. Box 130424 Roseville, MN 55113	First Tennessee Bank Nat'l Assoc P.O. Box 1469 Knoxville, TN 37901	Cheswold(Ophrys), LLC C/O Weinstein and Riley, PS 2001 Western Avenue, Ste 400 Seattle, WA 98121
Portfolio Recovery Assoc, LLC P.O. Box 12914 Norfolk, VA 23541	North Carolina Dept. of Revenue Bankruptcy Unit P.O. Box 1168 Raleigh, NC 27602-1168	